

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
LEVEL 3 COMMUNICATIONS, LLC FOR)	MOTION TO DISMISS
APPROVAL TO EXPAND ITS CERTIFICATE OF)	
AUTHORITY TO PROVIDE FACILITIES-BASED)	TC02-018
LOCAL EXCHANGE SERVICES IN THE)	
SERVICE TERRITORY OF BERESFORD)	
MUNICIPAL TELEPHONE CO.)	

On February 19, 2002, the Public Utilities Commission (Commission) received an Application from Level 3 Communications, LLC (Level 3) for approval to expand its certificate of authority to provide local exchange services in the service territory of Beresford Municipal Telephone Co.

On February 21, 2002, the Commission electronically transmitted notice of the filing and the intervention deadline of March 8, 2002, to interested individuals and entities. Beresford Municipal Telephone Co. (Beresford) filed a Petition to Intervene on March 4, 2002. At a regularly scheduled meeting of March 28, 2002, the Commission granted intervention to Beresford. On May 9, 2002, the Commission received a Petition for Late Intervention from the South Dakota Telecommunications Association (SDTA). At a regularly scheduled meeting on May 30, 2002, the Commission granted late intervention to SDTA.

On July 29, 2002, the Commission received a Motion to Dismiss from Beresford. On August 12, 2002, the Commission received Level 3's Memorandum in Opposition to Beresford's Motion to Dismiss. On August 12, 2002, the Commission received a Supplemental Filing in Support of Beresford's Motion to Dismiss.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-31, particularly 49-31-69 through 75, inclusive, and ARSD 20:10:01:32.06.

On August 15, 2002, at its regularly scheduled meeting, the Commission considered this matter. The Commission voted to grant the Motion to Dismiss. It is therefore

ORDERED, that Beresford's Motion to Dismiss is granted.

Dated at Pierre, South Dakota, this 29th day of August, 2002.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

ROBERT K. SAHR, Commissioner